

## **M E M O R A N D U M**

TO:           Members, Public Disclosure Commission

FROM:       Philip E. Stutzman  
              Director of Compliance

DATE:       August 17, 2001

SUBJECT:    Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated July 13, 2001.  
If you would like additional information, please let me know.

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## **Part I**

### **Investigations Completed**

#### **Cases Scheduled For Hearing:**

**Bethel School District—Case #01-201 Investigator: Lori Anderson**

Date Received: March 30, 2001

Date Started: April 2, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Bethel School District failed to maintain open for public inspection copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. An enforcement hearing before the full commission has been scheduled for August 28, 2001.

Disposition: Pending

**Clover Park School District—Case #01-202; Investigator: Lori Anderson**

Date Received: March 30, 2001

Date Started: April 2, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Clover Park School District failed to maintain open for public inspection copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. An enforcement hearing before the full commission has been scheduled for August 28, 2001.

Disposition: Pending

**Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh**

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Investigation Complete

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification. An enforcement hearing will be scheduled for September of 2001.

Disposition: Pending

## Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings.)

**Namit, Charles - Case #01-031; Investigator: Nick Hawkinson**

Date Received: September 15, 2000

Date Started: September 27, 2000

Section of Law: RCW 42.17.240

Status: Investigation Complete

Summary: A complaint was received from K.L Fields, alleging that Charles Namit, a North Thurston School Director, has understated his financial position on his Personal Financial Affairs Statements between 1993 and 2000.

**Disposition:** A brief enforcement hearing was held on July 30, 2001. It was found that Charles Namit violated RCW 42.17.241 by failing to timely file investment and bank account information on the Personal Financial Affairs Statement (PDC Form F-1). No penalty was assessed.

The following cases were dismissed with the concurrence of the Chair:

**Word, Terry--#00-253; Investigator: Lori Anderson**

Date Received: November 1, 1999

Date Started: November 8, 1999

Section of Law: RCW 42.17.080, .090, .130, 510, and .530

Status: Investigation Complete

Summary: A complaint was received from Mark Noble alleging that Terry Word, a candidate for Commissioner, Thurston County Fire District No. 9: (1) exceeded the limits of the Mini Reporting option (42.17.080 and .090); (2) used public facilities to assist his campaign (42.17.130); (3) failed to include proper sponsor identification on political advertising (42.17.510); (4) implied an endorsement he did not have (42.17.530); and (5) distributed false political advertising (42.17.530).

**Disposition:** Dismissed with the concurrence of the Chair. It was found that: (1) Terry Word exceeded the \$500 limits of the mini reporting option, by raising and spending a total of \$639 for his campaign. Mr. Word has been cautioned to stay within the limits of the reporting option he selects in future campaigns; (2 & 3) Terry Word was not associated with the production or distribution of the anonymous flyer, thus no sponsor identification was required by him and no use of public facilities could be substantiated; and (4 & 5) Terry Word received permission from one individual to use her name in an endorsement, and the other was a statement from an individual that failed to constitute an endorsement.

**Finlayson, Troy--Case #00-257; Investigator: Kurt Young**

Date Received: November 10, 1999

Date Started: November 23, 1999

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A letter was received from the Washington State Auditor's office, along with the Audit Report prepared by the State Auditor's Office for Pierce County Fire Protection District No. 13 for the period January 1, 1996 through December 31, 1998. The letter and Audit Report revealed information concerning the possible use of public facilities by Troy Finlayson, a Fire Commissioner, in a way that may have assisted candidate campaigns and/or supported or opposed ballot propositions.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that Troy Finlayson on several occasions used the cellular phones of Pierce County Fire Protection District No. 13 to make personal calls to the campaign offices of various candidates, elected officials, political committees, and in one case to an individual working at a political consulting firm. Mr. Finlayson stated the calls were personal in nature and the recipients of the calls did not confirm that the calls assisted any candidate's campaigns. Mr. Finlayson was cautioned.

**Concerned Citizens and Taxpayers -- #00-885; Investigator: Suemary Trobaugh**

Date Received: April 4, 2000

Date Started: April 18, 2000

Section of Law: RCW 42.17.040, .080, .090

Status: Investigation Complete

Summary: A complaint was received from David Gittins alleging that an organization called Concerned Citizens and Taxpayers, Thomas E. Steininger, Chairman, has distributed political advertising opposing a school levy ballot proposition in Asotin County without registering and reporting as a political committee.

**Disposition:** Dismissed with the concurrence of the Chair. PDC staff was unable to determine who authored or paid for the three anti-levy brochures, and PDC staff was also unable to establish the existence of a political committee by the name of Concerned Citizens and Taxpayers.

**Opp, Richard--Case #00-886; Investigator: Kurt Young**

Date Received: June 19, 2000

Date Started: June 27, 2000

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Morris Martin Bereiter alleging that Mr. Opp has falsely represented himself as an incumbent County Commissioner in Pend Oreille County based on the wording on his yard signs.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that Mr. Opp took corrective action to bring his yard signs into compliance once he was notified of the complaint. Mr. Opp was cautioned to carefully comply with the political advertising requirements in future election campaigns.

**Pierce County Fire District No. 21 – Case #00-889; Investigator: Kurt Young**

Date Received: May 11, 2000

Date Started: May 11, 2000

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: On January 21, 1999 a complaint filed by Donald W. Crisman against officials of Pierce County Fire District No. 21 was dismissed with the concurrence of the Chair of the Commission. The complaint alleged that officials of the District used, or authorized the use of, public facilities to assist a candidate's campaign. The PDC received additional information from Fire District 21 officials concerning an internal investigation into allegations of misconduct by a

Fire District employee. Upon review of the additional material received, PDC staff decided to re-open its investigation, as Case #00-889, into alleged violations of RCW 42.17 by officials of Pierce County Fire District No. 21.

**Disposition:** Closed by the Executive Director of the PDC. It was found that after reviewing the internal report prepared for Pierce County Fire District 21 (PCFD 21), it appears that John Burgess, former Executive Director of Pierce County Fire District 21, acted in a way that may have constituted a violation of RCW 42.17.130 while he was Executive Director. Pierce County Fire District 21 has terminated Mr. Burgess' employment, apparently, in part, for conduct that was prohibited by RCW 42.17.130. Because Mr. Burgess is no longer employed by the district, further enforcement action by the PDC is not warranted in this matter. The Commissioners of Pierce County Fire District 21 were reminded of the prohibitions of RCW 42.17.130 and RCW 42.17.680.

**Gregoire, Christine—Case #01-190; Investigator: Suemary Trobaugh**

Date Received: March 2, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.090 and .640

Status: Investigation Complete

Summary: A complaint was received from Richard Pope alleging that the campaign of Attorney General Christine Gregoire received contributions after the 2000 election cycle had ended in violation of RCW 42.17.640. The complaint also alleged that the campaign failed to provide required employer and occupation information for certain contributors.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the contributions to the Chris Gregoire Campaign were made prior to the end of the 2000 election cycle, which ended on November 30, 2000. The campaign provided the envelope the contributions came in, which contained a postmark date of November 29, 2000. With regard to the employer and occupation information, the Gregoire Campaign requested this missing information twice after the contributions were received. The missing information cited in the complaint was corrected and did not rise to the level of enforcement action.

**Gregoire, Christine—Case #01-191; Investigator: Suemary Trobaugh**

Date Received: March 7, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.040 and .080

Status: Investigation Complete



**Summary:** A complaint was received from Richard Pope alleging that the campaign for Attorney General Christine Gregoire failed to list on its registration statement for its surplus funds account a location to inspect campaign records during the eight days before an election, an alleged violation of RCW 42.17.040. The complaint also alleged that due to the deficiency in the surplus funds registration statement, it was not possible to inspect campaign records during the eight days before the 2000 primary and general elections, an alleged violation of RCW 42.17.080.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Chris Gregoire Surplus funds account was not a campaign account and was not subject to the public inspection provisions of the law. Thus, there was no violation of RCW 42.17.

**Gregoire, Christine—Case #01-192; Investigator: Suemary Trobaugh**

Date Received: March 7, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.040, .080, and .130

Status: Investigation Complete

**Summary:** A complaint was received from Richard Pope alleging that the campaign for Attorney General Christine Gregoire failed to list on its registration statement a location to inspect campaign records during the eight days before an election until three days before the beginning of the inspection period for the 2000 primary election, an alleged violation of RCW 42.17.040. The complaint also alleged that due to the deficiency in the registration statement, it was not possible to inspect campaign records during the eight days before the 2000 primary election, an alleged violation of RCW 42.17.080. The complaint also alleged that the Gregoire campaign authorized the use of the offices of the Public Disclosure Commission by listing the PDC as the place where books and records could be inspected during the eight days before the 2000 election, an alleged violation of RCW 42.17.130.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Chris Gregoire Campaign listed the office of the Public Disclosure Commission on its initial C-1 as the location for the public to inspect its campaign records. PDC staff informed the campaign that the PDC office did not have the resources to allow campaigns to designate the PDC as an inspection site. Once notified, the Gregoire Campaign amended its C-1 disclosing an appropriate inspection site prior to the start of the public inspection period. There was no violation of RCW 42.17.040, 42.17.080, or 42.17.130.

**Gregoire, Christine—Case #01-193; Investigator: Suemary Trobaugh**

Date Received: March 7, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Richard Pope alleging that the 2000 campaign for Attorney General Christine Gregoire either failed to list campaign expenditures for legal services or failed to list an in-kind contribution for the receipt of such services, an alleged violation of RCW 42.17.090.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that RCW 42.17.020(14)(b) excludes the rendering of legal services as a contribution if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws. Thus, the legal services cited as an in-kind contribution to the 1996 Gregoire Campaign were not considered a contribution and there was no violation of RCW 42.17.080 and 42.17.090

**Gregoire, Christine—Case #01-194; Investigator: Suemary Trobaugh**

Date Received: March 6, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.095

Status: Investigation Complete

Summary: A complaint was received from Richard Pope alleging that the 2000 campaign for Attorney General Christine Gregoire reimbursed her for a personal campaign contribution to the Democratic National Committee, an alleged violation of RCW 42.17.095.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that in accordance with RCW 42.17.125(2), which allows reimbursement for direct out-of-pocket election campaign related expenses made by the candidate, the Gregoire Campaign properly reimbursed Attorney General Gregoire \$100 from campaign funds. The \$100 paid with personal funds by Ms. Gregoire was the cost of an

admission ticket to attend a Women's Leadership forum, sponsored by the Democratic National Committee, during which she campaigned for her re-election. Thus, there was no violation of RCW 42.17.095.

**Gregoire, Christine—Case #01-195; Investigator: Suemary Trobaugh**

Date Received: March 7, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Richard Pope alleging that the 2000 campaign for Attorney General Christine Gregoire accepted in-kind contributions in excess of the allowable limits when the campaign accepted a donation for a fundraiser held before the primary election, an alleged violation of RCW 42.17.640.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Gregoire Campaign held a July 2000 fundraiser at which the campaign received an in-kind contribution from Kirkland Nissan totaling \$1,643.05, which exceeded the \$1,200 primary contribution limit. The Gregoire Campaign filed amended reports reducing the in-kind contribution from Kirkland Nissan to \$1,643.05 from \$1,200.00. The reduction reflected a \$344.48 reimbursement to Kirkland Nissan for exceeding the primary contribution limits, and a \$98.57 reduction for food items that were not related to the fundraiser nor used by the campaign. The Gregoire Campaign was cautioned to comply with applicable contribution limits in future election campaigns.

**Gregoire, Christine—Case #01-196; Investigator: Suemary Trobaugh**

Date Received: March 8, 2001

Date Started: March 8, 2001

Section of Law: RCW 42.17.090 and .640

Status: Investigation Complete

Summary: A complaint was received from Richard Pope alleging that the 2000 campaign for Attorney General Christine Gregoire accepted in-kind contributions in excess of the allowable limits when the campaign accepted a donation over several months for the use of an automobile during the campaign, an alleged violation of RCW 42.17.640. The complaint also alleged that the campaign failed to list an address for the company donating the use of the automobile, an alleged violation of RCW 42.17.090.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Chris Gregoire Campaign initially reported a pledge from the automobile dealership for the use of a vehicle for the campaign. The automobile was valued at \$1,200.00 for the Primary election and \$500.00 for the General election. In accordance with RCW 42.17.640, which defines campaign contribution limits, the Gregoire Campaign did not exceed the Primary election contribution limit in connection with use of a vehicle during the 2000 election. While it appeared the campaign may have exceeded the primary contribution limits, the campaign revised the fair market value of the vehicle to \$274.80 for a 30-day month and to \$283.96 for a 31-day month. This reduced the total in-kind contribution from Dwayne Lane Auto to \$1,199.96 for the Primary election and to \$476.36 for the General election.

The general manager of Dwayne Lane Auto Center confirmed the revised fair market value of the vehicle and the amended in-kind contribution. Thus, the Gregoire Campaign did not exceed the 2000 Primary election contribution limits. In addition, the Gregoire Campaign provided the street address of Dwayne Lane Auto Center in the amended report filed on March 28, 2001, thus the alleged violations cited in the complaint did not rise to the level of enforcement action.

**Locke, Gary (2000 Campaign)—Case #01-205; Investigator: Suemary Trobaugh**

Date Received: April 24, 2001

Date Started: April 30, 2001

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the 2000 Friends of Gary Locke for Governor campaign received campaign contributions from the Washington Federation of State Employees (WFSE) in excess of contribution limits and that the 2000 Locke campaign incorrectly identified the source of the contributions.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Locke Campaign received \$2,400 from the WFSE and attributed to the 2000 general election as follows: \$1,150 on November 9, 1998, and \$1,250 on October 6, 2000. The Locke Campaign exceeded the general election contribution limits set forth in RCW 42.17.640 by \$1,200.

The contribution for \$1,200 that was reported by the Locke Campaign as being received from the WFSE on October 6, 2000, was actually a contribution from the WFSE to the Washington State Democratic Central Committee's (WSDCC). The

contribution was disbursed to the Locke Campaign by mistake by the state party's joint fundraising committee and the Locke Campaign initially requested the joint fundraising committee to re-allocate the funds to the WSDCC. Due to an accounting error, the re-allocation and refund of the contribution did not occur. On May 8, 2001, after being notified of the complaint, the Locke Campaign refunded \$1,225 to the WFSE. In addition, the Locke Campaign overlooked attributing a \$25 contribution they received from WFSE Local 1253 to the WFSE. That contribution was refunded to the WFSE on May 8, 2001. The Locke Campaign will be cautioned to comply with applicable contribution limits and proper reporting requirements in future election campaigns.

**Washington Federation of State Employees—Case #01-206; Investigator: Suemary Trobaugh**

Date Received: April 24, 2001

Date Started: April 30, 2001

Section of Law: RCW 42.17.180 and .640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Washington Federation of State Employees (WFSE) exceeded campaign contribution limits when it contributed to the 2000 Friends of Gary Locke for Governor campaign. The complaint also alleged that the WFSE failed to disclose an October 6, 2000 contribution to the 2000 Locke campaign in violation of RCW 42.17.180.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that in October of 2000, the WFSE made a \$4,000 contribution to the WSDCC's Victory Fund as part of a joint fundraising event. A portion of the contribution, a total of \$1,200, was sent to the Locke campaign by the joint fundraising committee without the direction or approval of the WFSE. The \$1,200 contribution that was sent to the Locke Campaign by the joint fundraising committee but attributed to the WSFE, exceeded the general election contribution limits. On May 8, 2001, the Locke Campaign refunded \$1,225 to the WFSE.

## **Cases Referred To Attorney General For Further Action**

**Cooney, Sadie Charlene--Case #99-053; Investigator: Charlie Schreck**

Date Received: October 22, 1998

Date Started: October 23, 1998

Section of Law: RCW 42.17.130 and .680

Status: Investigation Complete

**Summary:** A complaint was received from Lynda Rouse, alleging that Sadie Charlene Cooney has used public facilities for campaign activities. The complainant alleged that for several years Ms. Cooney has directed employees to work on political campaigns using resources of the County Assessor's office. The complainant also alleged that Ms. Cooney has created a hostile work environment, and has discriminated against employees in violation of RCW 42.17.680. An enforcement hearing was held December 12, 2000.

**Disposition:** The Commission accepted a Stipulation of Facts and Violations and found actual violations of RCW 42.17.130 and 42.17.750. The parties agreed for the purposes of determining whether the Commission would refer the matter to the Attorney General's Office that the written information and documentary evidence before the Commission as of December 12, 2000 could serve as the basis for the Commission finding that the Respondent committed apparent violations of RCW 42.17.130 and 42.17.680(2) for the matters in the Notice of Administrative Charges that had not been stipulated to by the parties. The parties also agreed that the facts and violations stipulated to are evidence of agreed-to actual violations of RCW 42.17.130 and RCW 42.17.750, and that those stipulated matters are also appropriate for referral to the Attorney General's Office. It was agreed that if the Attorney General's Office declines to file a complaint in Superior Court based upon the apparent and actual violations referenced in the referral or does not enter into a settlement for all the apparent and actual violations referenced in the referral, the case is to be returned to the Public Disclosure Commission for hearing under 42.17 RCW and Commission regulations. Based on the above information, the Commission referred the matter to the Attorney General's Office. The Commission found that a referral was appropriate because: (1) The maximum penalty that the Commission could impose statutorily was insufficient in light of the number of actual and apparent violations, and (2) The complexity of the issues and facts presented merits consideration by the Attorney General's Office and a superior court. The Commission also found that if no action is taken by the Attorney General's Office as described in the Order of Referral, the matter is to be returned to the Commission for hearing.

**Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young**

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

**Summary:** A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

**Disposition:** The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

**Washington Education Association—Case #01-002; Investigator: Lori Anderson**

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

**Summary:** A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen's action in superior court.

**Disposition:** The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General's Office.

**King County, King County Department of Transportation, King County Transit and Amalgamated Transit Union Local 587 (ATU Local 587)—Case #01-203**

**Investigator: Nick Hawkinson**

Date Received: March 28, 2001

Date Started: April 3, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Monte Benham of Permanent Offense alleging that King County, King County Department of Transportation, King County Transit, and Amalgamated Transit Union Local 587 had violated RCW 42.17.680 by withholding a special assessment from the paychecks of King County employees to fight Initiative 745 without first obtaining the required written authorizations.

**Disposition:** An enforcement hearing was held on May 22, 2001. The Commission accepted the parties' Stipulation of Facts. The Commission found that there are apparent multiple violations by the King County entities of RCW 42.17, in particular RCW 42.17.680 as implemented by WAC 390-17-100, but that the maximum penalty that can be assessed by the Commission is inadequate in light of the allegations and the stipulated evidence presented to the Commission at the hearing. Therefore, the Commission referred the case to the Washington State Attorney General's Office. The Commission also found that Amalgamated Transit Union Local 587 did not violate RCW 42.17.680 as alleged because the union is not the employer in this case and is not responsible for the disbursement of funds in payment of wages or salaries to King County workers.

**King County, King County Department of Transportation, King County Transit and Amalgamated Transit Union Local 587 (ATU Local 587)—Case #01-204**

**Investigator: Nick Hawkinson**

Date Received: March 29, 2001

Date Started: April 5, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from David Cornelson alleging that King County, King County Department of Transportation, King County Transit, and Amalgamated Transit Union Local 587 had violated RCW 42.17.680 by withholding a special assessment from the paychecks of King County employees to fight Initiative 745 without first obtaining the required written authorizations.



**Disposition:** An enforcement hearing was held May 22, 2001. The Commission accepted the parties' Stipulation of Facts. The Commission found that there are apparent multiple violations by the King County entities of RCW 42.17, in particular RCW 42.17.680 as implemented by WAC 390-17-100, but that the maximum penalty that can be assessed by the Commission is inadequate in light of the allegations and the stipulated evidence presented to the Commission at the hearing. Therefore, the Commission referred the case to the Washington State Attorney General's Office. The Commission also found that Amalgamated Transit Union Local 587 did not violate RCW 42.17.680 as alleged because the union is not the employer in this case and is not responsible for the disbursement of funds in payment of wages or salaries to King County workers.

## **Part II**

### **Active Investigations**

#### **Investigations In Progress**

**Roach, Dan - Case #01-032; Investigator: Kurt Young**

Date Received: September 18, 2000

Date Started: September 27, 2000

Section of Law: RCW 42.17.080, .090

Status: Under Investigation

Summary: A complaint was received from Yvonne Kinoshita Ward, alleging that Dan Roach, a candidate for State Representative in the 31<sup>st</sup> Legislative District, has not timely filed reports of contributions received (PDC Form C-3).

Disposition: Pending

**Highline School District - Case #01-034; Investigator: Kurt Young**

Date Received: July 11, 2000

Date Started: September 29, 2000

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Complaints were received from Paul Willoughby and Joseph Coomer, alleging that officials of the Highline School District have used public facilities to support a ballot proposition, by sending out a promotional survey and by hiring a consultant to support passage of the ballot measure.

Disposition: Pending

**Benton, Don--Case #01-132; Investigator: Suemary Trobaugh**

Date Received: October 9, 2000

Date Started: October 17, 2000

Section of Law: RCW 42.17.640

Status: Under Investigation

Summary: A complaint was received from Daniel M. Ogden, Chair of the Clark County Democratic Central Committee and Carrie Parks, Chair of the 17<sup>th</sup> District Legislative Democratic Committee, alleging a violation of RCW 42.17.640 and WAC 39-05-400 by Don Benton, a State Senator candidate seeking re-election in the 17th Legislative District. The complaint alleges that Senator Benton received three campaign donations totaling \$1,750 from Rowley Enterprises, Inc. The complaint also alleges that Senator Benton received three campaign donations totaling \$1400 from Koerick Sterling Communities, LLC. These contributions are alleged to be in excess of campaign limits.

Disposition: Pending

**Simpson, Geoff--Case #01-133: Investigator - Suemary Trobaugh**

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Under investigation

Summary: A complaint was received from Senator Don Benton alleging that Mr. Simpson had used publicly owned Kent Fire Department equipment in his campaign advertising. Specifically, Senator Benton alleged that Mr. Simpson's campaign ads included photos of Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the Kent Fire Department.

Disposition: Pending

**Wimsett, Kevin--Case #01-145; Investigator: Suemary Trobaugh**

Date Received: October 30, 2000

Date Started: November 2, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Deanne Weber alleging that Kevin Wimsett failed to timely file C3 and C4 reports during his 2000 campaign.

Disposition: Pending

**Northshore School District--Case #01-166 Investigator: Lori Anderson**

Date Received: November 8, 2000

Date Started: November 14, 2000

Section of law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Sandra Elliot alleging that the Northshore School District used public facilities to promote a political campaign. Ms. Elliot alleged that Inglemoor High School allowed Maria Cantwell and U.S. Senator Tom Daschle to address a student assembly. She further alleged that the presentation by Cantwell and Daschle was in support of the Cantwell candidacy, and that this occurred with the knowledge of the School District.

Disposition: Pending

**CHS Engineers, Inc.--Case #01-167 Investigator: Suemary Trobaugh**

Date Received: November 27, 2000

Date Started: December 1, 2000

Section of law: RCW 42.17.120

Status: Under Investigation

Summary: A complaint was received from Michael J. West, a commissioner in the Val Vue Sewer District in South Seattle. Mr. West alleged that CHS Engineers, Inc. has made campaign contributions to candidates for Sewer District Commissioner, in various sewer districts, in a manner that conceals the true source of the contributions, in violation of RCW 42.17.120.

Disposition: Pending

**Evergreen School District – Case #01-182; Investigator: Lori Anderson**

Date Received: January 10, 2001

Date Started: January 19, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Senator Don Benton, 17th Legislative Dist., alleging that the Directors of the Evergreen School District used public facilities to dispute statements made in political advertisements circulated by Benton during his 2000 re-election campaign.

Disposition: Pending

**White, James – Case #01-184; Investigator: Suemary Trobaugh**

Date Received: January 31, 2001

Date Started: February 2, 2001

Section of Law: RCW 42.17.130 and .750

Status: Under Investigation

Summary: A complaint was received from Martin Plys alleging that Mayor James White of Kent used public facilities to send city employees invitations to his re-election campaign kickoff. He further alleged that Mayor White solicited contributions from city employees by enclosing with the invitation an envelope requesting contributions to support his re-election campaign.

Disposition: Pending

**King County Fire District 40 – Case #01-186; Investigator: Kurt Young**

Date Received: February 5, 2001

Date Started: February 9, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Howard Meinzer alleging that officials of King County Fire District 40 used public facilities to support a fire district ballot proposition, in violation of RCW 42.17.130. The complaint alleged that the District Newsletter, Fireline, misrepresented benefit service charge information in a way that supported passage of the District's ballot proposition.

Disposition: Pending

**Concerned Citizens Action Committee – Case #01-187; Investigator: Suemary Trobaugh**

Date Received: February 9, 2001

Date Started: February 16, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Investigation

Summary: A complaint was received from Rodney Livengood, Superintendent of Kittitas County Hospital District #2, alleging that Concerned Citizens Action Committee, a group opposed to a February 6, 2001 Hospital District ballot proposition, has not registered or reported its activities to the PDC.

Disposition: Pending

**International Association of Fire Fighters—Case #01-188; Investigator: Kurt Young**

Date Received: February 12, 2001

Date Started: March 2, 2001

Section of Law: RCW 42.17.640 and .660

Status: Under Investigation

Summary: A complaint was received from Bob Edelman alleging that the State Council of the International Association of Fire Fighters (IAFF) and certain of its affiliated local units violated the candidate contribution limits of RCW 42.17.640 for the 2000 election cycle. He also alleged that the candidates that accepted the over-limit contributions violated RCW 42.17.640, 42.17.660, and WAC 390-16-308(5).

Disposition: Pending

**Kingston Area Citizens Network--Case #01-197; Investigator: Suemary Trobaugh**

Date Received: March 12, 2001

Date Started: March 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Investigation

Summary: A complaint was received from Nick Jewett alleging that the Kingston Area Citizens Network placed political advertising in the North Kitsap Herald newspaper opposing a school bond issue without first registering and reporting as a political committee.

Disposition: Pending

**Yakima County Fire District #12 (West Valley Fire Department)-- Case #01-198; Investigator: Suemary Trobaugh**

Date Received: March 12, 2001

Date Started: March 16, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Gary and Carolyn Belles alleging that officials of Yakima County Fire District 12 (West Valley Fire District) have used public facilities of the fire district to support an incorporation effort by citizens of West Valley.

Disposition: Pending

**Amalgamated Transit Union Local 587—Case #01-219; Investigator: Kurt Young**

Date Received: May 9, 2001

Date Started: May 9, 2001

Section of Law: RCW 42.17.040, .080, .090, & .730

Status: Under Investigation

Summary: A complaint was filed by the Executive Director of the Public Disclosure Commission alleging that Amalgamated Transit Union Local 587 (ATU Local 587) failed to register and report as a political committee when it

solicited and received special assessment funds from its members to oppose Initiative 745. It was also alleged that ATU Local 587 might have acted as an intermediary by receiving the special assessment from its members and transmitting those funds to political committees opposed to Initiative 745.  
Disposition: Pending

**Amalgamated Transit Union Local 757—Case #01-220; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 757 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Amalgamated Transit Union Local 758—Case #01-221; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 758 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Amalgamated Transit Union Local 843—Case #01-222; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 843 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Amalgamated Transit Union Local 1384—Case #01-223; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 1384 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Amalgamated Transit Union Local 1576—Case #01-224; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 1576 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Iron Workers District Council of the Pacific Northwest—Case #01-225;  
Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Iron Workers District Council of the Pacific Northwest failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Washington State Building & Construction Trades Council—Case #01-226;  
Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Washington State Building & Construction Trades Council failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**United Transportation Union—Case #01-227; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that United Transportation Union failed to disclose contributions made to state office candidates or to a statewide initiative committee during the 2000 election cycle on PDC form L-3 as required for a lobbyist employer.

Disposition: Pending

**Washington Federation of Teachers—Case #01-228; Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Washington Federation of Teachers failed to disclose contributions made to state office candidates or to a statewide initiative committee during the 2000 election cycle on PDC form L-3 as required for a lobbyist employer.

Disposition: Pending

**Wolfe, Cathy—Case #01-229; Investigator: Kurt Young**

Date Received: May 16, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.710

Status: Under Investigation

Summary: A complaint was received from Robert Edelman alleging that



Representative Cathy Wolfe received a campaign contribution during the 2001 legislative session freeze period.  
Disposition: Pending

## **Cases Under Review**

### **Stevens Hospital Medical Staff--Case #98-017; Investigator: Phil Stutzman**

Date Received: September 8, 1997

Date Started: September 23, 1997

Section of Law: RCW 42.17.040, .065, .080, .090, and .750

Status: Under Review

Summary: A complaint was received from a member of the Stevens Hospital Medical Staff, expressing concern about mandatory donations to the medical staff association. The complaint said the association spends a significant portion of its funds on ballot propositions affecting the Stevens Hospital District. At issue is whether the Stevens Hospital Medical Staff is a political committee, required to register and report with the Public Disclosure Commission.

Disposition: Pending

### **Pioneer School District (Dick Sirokman)--Case #99-079; Investigator: Kurt Young**

Date Received: April 19, 1999

Date Started: April 23, 1999

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from John E. Diehl, alleging that officials of Pioneer School District (Dick Sirokman, School Superintendent) used, or authorized the use of, school district facilities to promote a school ballot proposition. The complaint alleged that flyers (fact sheets) distributed by the school district were intended, by their timing and content, to promote an April 27, 1999 ballot proposition.

Disposition: Pending

### **Citizens Committee for Arlington Schools -- #00-882; Investigator: Lori Anderson**

Date Received: March 20, 2000

Date Started: March 27, 2000

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Frank A. Cencak, Barbara J. Cencak, and Charles L. Funk alleging that Citizens for Arlington Schools included their

names in newspaper advertisements as endorsing the Arlington School District levy and two bond issues without authorization.

Disposition: Pending

**Forner, Elmira—Case #01-011; Investigator: Suemary Trobaugh**

Date Received: September 18, 2000

Date Started: September 18, 2000

Section of Law: RCW 42.17.125

Status: Under Review

Summary: A complaint was received from Barbara Brinton alleging that Elmira Forner, a candidate for State Representative in the 12<sup>th</sup> Legislative District, used campaign funds for personal use when she purchased a membership in the chamber of commerce, when she made a campaign contribution to Slade Gorton's campaign, and when she paid for a newspaper subscription.

Disposition: Pending

**Citizens for Fire District 16 EMS Levy Committee - Case #01-012;**

**Investigator: Suemary Trobaugh**

Date Received: September 12, 2000

Date Started: September 18, 2000

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from LaVaun Emmalee Tatro, alleging that the Citizens for Fire District 16 EMS Levy Committee falsely listed her name in a political advertisement as a supporter of an EMS ballot proposition.

Disposition: Pending

**Griggs, Bryan--Case #01-135; Investigator: Suemary Trobaugh**

Date Received: October 19, 2000

Date Started: October 31, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Kirby Ralston, of Advertising & Supply, alleging that Bryan Griggs, a candidate for State Representative in the 41st Legislative District, did not properly report an order placed to Advertising & Supply of \$853.88 for yard signs and roll labels on Schedule B of PDC form C-4.

Disposition: Pending

**Lehning, Bill--Case #01-137; Investigator: Kurt Young**

Date Received: October 30, 2000

Date Started: November 3, 2000

Section of law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Doris Cornett alleging that Bill Lehning improperly submitted for and received reimbursement for expenses from Cowlitz County for activities related to his campaign. The complaint alleged that Mr. Lehning was paid for mileage and expenses to attend two candidate forums in Yale and Woodland, Washington.

Disposition: Pending

**Transit Agencies--Case #01-139--Investigator: Kurt Young**

Date Received: October 24, 2000

Date Started: October 31, 2000

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Paul Telford alleging that sixteen transit and Air Pollution agencies, plus the City of Seattle and King County, have used public facilities to oppose ballot propositions. He specifically alleged that the named agencies were affiliated with the Transportation Choices Coalition (Alt-Trans). He alleged that this affiliation included payment of dues that were then used in opposition to ballot propositions (Referendum 49, Initiative 695 and Initiative 745). He alleged that funds used in these opposition campaigns are public because the funds originated from public agencies.

Disposition: Pending

**Guevara, Marta--Case #01-142; Investigator: Suemary Trobaugh**

Date Received: October 30, 2000

Date Started: November 1, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Bill Gorman alleging that Ms. Guevara failed to timely file her June and July C3 reports, and that she failed to timely file her August C3 and C4 reports. The complaint also alleged that a campaign flyer from October 25, 2000 failed to contain proper sponsor identification.

Disposition: Pending

**Washington State Labor Council--Case #01-146--Investigator: Suemary Trobaugh**

Date received: November 2, 2000

Date Started: November 6, 2000

Section of law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from then Representative Don Carlson alleging that The Washington State Labor Council had published erroneous information in a campaign brochure. He alleged that the brochure transposed names and offices, transposed Legislative Districts and misrepresented his position on collective bargaining.

Disposition: Pending

**Opp, Dena--Case #01-168 Investigator: Suemary Trobaugh**

Date Received: December 1, 2000

Date Started: December 6, 2000

Section of law: RCW 42.17.241

Status: Under Review

Summary: A complaint was received from Carol Cherry, alleging that Dena Opp, Mayor of Newport, Washington, has failed to properly list, on her Personal Financial Affairs Statement, the disposition of real property that occurred during 1998, and that she has not disclosed the income received by her spouse, in violation of RCW 42.17.241.

Disposition: Pending

**Talbott, John for Strong Mayor, et. al – Case #01-181; Investigator: Lori Anderson**

Date Received: January 10, 2001

Date Started: January 10, 2001

Section of Law: RCW 42.17.080, .090, .105, and .175

Status: Under Review

Summary: A complaint was filed by the Executive Director of the Public Disclosure alleging that the John Talbott for Strong Mayor Committee, Metropolitan Mortgage & Securities Company, Inc. (Metropolitan Mortgage), Citizens for Fair and Open Government (CFOG), Spokane Municipal Election Council (SMEC), and Spokane Voter Alliance (SVA) may have violated RCW 42.17. during 2000. The complaint alleged that Metropolitan Mortgage, CFOG, SMEC, and SVA may be affiliated and share a contribution limit under RCW 42.17.660, WAC 390-16-310(6) and WAC 390-16-309(3)(d) and may have exceeded the contribution limitations set forth in RCW 42.17.105(8) by contributing in excess of \$5,000 to the John Talbott for Strong Mayor Committee

within 21 days of the 2000 general election. It was also alleged that there might have been violations of RCW 42.17.080, .090, and .175.

Disposition: Pending

**No on Initiative 695 Committee – Case #01-183; Investigator: Suemary Trobaugh**

Date Received: January 22, 2001

Date Started: January 24, 2001

Section of Law: RCW 42.17.090

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the No on Initiative 695 Committee has failed to forfeit funds to the State of Washington it received from the International Brotherhood of Teamsters (IBT) DRIVE Political Fund as required by RCW 42.17.090 and WAC 390-16-055.

Disposition: Pending

**Tacoma School District—Case #01-199 Investigator: Lori Anderson**

Date Received: March 23, 2001

Date Started: March 26, 2001

Section of Law: RCW 42.17.680

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Tacoma School District failed to maintain open for public inspection copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee.

Disposition: Pending

**Seattle School District—Case #01-200 Investigator: Lori Anderson**

Date Received: March 23, 2001

Date Started: March 26, 2001

Section of Law: RCW 42.17.680

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the Seattle School District failed to maintain open for public inspection copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The

complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee.

Disposition: Pending

**Unions and Candidates** – On May 5, 2000, Jami Lund of the Evergreen Freedom Foundation filed 65 complaints against several unions and state office candidates for making or accepting contributions that: (1) were in excess of the limits allowed by RCW 42.17.640; (2) were not reported on PDC form C-7 as required by RCW 42.17.180 and WAC 390-16-071; (3) were not reported on PDC form C-5 as required by RCW 42.17.090; (4) were not forfeited to the state general fund in accordance with RCW 42.17.090 and WAC 390-16-095; (5) were unqualified contributions as set forth in RCW 42.17.640 and WAC 390-16-311; (6) were accepted in excess of the limit allowed as required by RCW 42.17.640 or were not allowed under RCW 42.17.660. The 65 cases were assigned case numbers 00-890 through 00-954. Brief enforcement hearings were held September 25, 2000 for 11 of the 65 cases and on January 22, 2001 for one case. On February 27, 2001, 28 cases were approved for dismissal. A brief enforcement hearing was held for Case #00-935 on May 21, 2001. The Status of the remaining 24 cases is “Under Review.”